

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Mark Kutney, AICP, (954) 797-1101
SUBJECT: Ordinance

Quasi Judicial Hearing: Rezoning

Application No., Project Name and Location:
ZB 4-4-01, Florida Power & Light Company, 4900 Oakes Road & 3700
Kean Road, Generally located in the southeast corner of Oakes Road
and Kean Road.

REPORT IN BRIEF:

The applicant is requesting to rezone 15.306 acre site to provide land zoned U, Utility District for a FPL Substation on 4.43 acres and provide M-2, Medium Industrial District on 10.87 acres for future sell. The 15.306 acre site is land use plan designated Industrial and the proposed zoning is compatible with the surrounding zoning to the east and south.

Staff is requiring this request in a continuing effort to phase out pre-annexation zoning districts within the Town. By rezoning the subject site to Town of Davie zoning district, staff is able to review the site development plans under the Town of Davie code standards, such as landscaping, parking, and development standards which are more stringent than the Hacienda Village regulations.

PREVIOUS ACTIONS: None

CONCURRENCES:

- * The Planning and Zoning Board recommended approval of the request at its June 13, 2001 meeting. (Vice-Chair Bender made a motion, seconded by Mr. Waitkus, Motion carried 5-0)

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to approve.

Attachment(s): Planning report with back-up, land use map, subject site map, and aerial.

Application #: ZB 4-4-01

Revisions:

Exhibit "A":

Original Report Date: 5/11/01

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner/Agent:

Name: Florida Power and Light Company

Agent: Joe Lammert, Contract Siting Specialist

Address: P.O.Box 14000, PDP/JB

City: Juno Beach, FL 33408

Phone: (561) 694-3273

BACKGROUND INFORMATION

Date of Notifications: June 6, 2001

Number of Notifications: 16

Application History: Not Applicable

Application Request: To rezone 15 acres of land from M-4, Light Heavy Industrial District, Hacienda Village to U, Utility District and M-2, Medium Industrial District.

Address/Location: General Address: 4900 Oakes Road and 3700 Kean Road/Generally located at the southeast corner of Oakes Road and Kean Road.

Land Use Plan Designation: Industrial

Zoning: M-4, Light Heavy Industrial District, (Hacienda Village)

Existing Use: Vacant Land

Proposed Zoning: U, Utility District and M-2, Medium Industrial District

Proposed Use: FPL Substation and future industrial property

Parcel Size: 15.306 acres (666,729.36 square feet)

Surrounding Land Use:

North: Office/Warehouse & Concrete Plant
South: New Town Commerce Ctr.
East: Office Warehouse & New Town
Business Center
West: Broward Business Park & Sadisco
Auto Storage

Land Use Plan Designation

Industrial
Industrial
Industrial
Industrial

Surrounding Zoning:

North: M-4, Limited Heavy Industrial District, (County)
South: M-3, Planned Industrial Park
East: M-2, Medium Industrial District, M-4, Limited Heavy Industrial District, (Hacienda Village) and M-3, Planned Industrial Park
West: M-4, Limited Heavy Industrial District, (Hacienda Village)

ZONING HISTORY

Related Zoning History: Subject site was annexed into the Town of Davie by Resolution No. 84-127 and Senate Bill 1146, on September 4, 1984, after Hacienda Village was dissolved by the Legislature.

Previous Requests on same property: Plat Application (P 4-1-01), Hacienda Substation Plat, is being reviewed concurrently with this request.

Application Plan Details

This rezoning will provide land zoned U, Utility District zoning for an FPL substation on 4.43 acres and provide M-2, Medium Industrial District on 10.87 acres for future sale.

Florida Power and Light Company acquired the subject site December of 2000, for the purpose of constructing a substation. Access to the subject site will be through one opening onto Oakes Road and two openings on Kean Road. Traffic will be directed to either State Road 7/I-595 to the east and north or to the Florida Turnpike via Orange Drive.

Staff is requiring this request in a continuing effort to phase out pre-annexation zoning districts within the Town. By rezoning the subject site to Town of Davie zoning district, staff is able to review the site development plans under the Town of Davie code standards, such as landscaping, parking, and development standards which are more stringent than the Hacienda Village regulations.

Applicable Codes and Ordinances

Land Development Code Section 12-307, Review for Rezonings.

Comprehensive Plan Considerations

Planning Area: This property falls within Planning Area 6. This planning area is generally located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along State Road 7 corridor. The Town is encouraging development and redevelopment of properties within this area to strengthen the Town's non-residential tax base for the future.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 58.

The petitioner will be required to plat this property through the Town of Davie and Broward County. Concurrency review, including utilities infrastructure will be reviewed at the time of platting. This site does falls within a transportation concurrency exception area.

Applicable Goals, Objectives & Policies: None Applicable

Staff Analysis

The proposed U, Utility District and M-2, Medium Industrial District zoning designations are consistent with the existing Industrial land use designation. This request is also consistent with staff's continuing efforts to phase out pre-annexation zoning within the Town.

Findings of Fact

Section 12-307(A)(1)

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase

automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

(f) The proposed change will not adversely affect other property values;

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

(i) There are substantial reasons why the property cannot be used in accord with existing zoning.

The current Hacienda Village zoning is not required by annexation agreement and should be phased out as properties develop/redevelop.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the positive, staff recommends **approval** of application no. ZB 4-4-01.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the request at its June 13, 2001 meeting. (Vice-Chair Bender made a motion, seconded by Mr. Waitkus, Motion carried 5-0)

Exhibits

Justification Letter, Land Use map, Subject Site map, and Aerial.

Prepared by: _____ Reviewed by: _____



FLORIDA POWER & LIGHT COMPANY, P.O. BOX 13886, MIAMI BEACH, FL 33101-0386

May 07, 2001

Ms. Geri Baluss
Planning Aide,
Town of Davie
6591 Orange Drive
Davie, FL 33314-3399
(954) 797-1073

RE: **FPL's Letter of Justification for the
Proposed Hacienda Substation Rezoning at
4900 Oakes Road, Town of Davie**

Dear Ms. Baluss:

Per existing zoning classifications FPL's property located at 4900 Oakes Road is currently zoned "M-4, Light Heavy Industrial". This zoning classification was associated with the property when the Town of Davie incorporated this area. The "M-4" classification allows for an electrical substation as a permissible use. However, the Town of Davie has requested FPL to rezone the property to a more current zoning classification per the Town of Davie Ordinances. Therefore, FPL is rezoning the northerly 400' +/- portion as "U, Utilities" and the remaining southerly portion as "M-2, Industrial". After rezoning and replatting of the property, FPL is planning to sell the southerly portion to a private developer thus the "M-2" classification.

Based on the aforementioned, FPL believes there is sufficient justification to rezone the property located at 4900 Oakes Road, Town of Davie, Broward County, Florida.

If you have any questions and/or comments please contact me at your earliest convenience at (561) 694-3273. Thank you for your continuing assistance in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joe Lammert', written over a horizontal line.

Joseph M. Lammert
FPL Transmission Line and Substation
Siting Group

an FPL GROUP company





